IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION No. 8860 of 1999**

Between:

1 G.Venkanna, S/o Sitaramaiah,
Sri Veera Venkata Stayanarayana

Swamy Vari Devasthanam, Annavaram,
East Godavari District.
2 P.Narayana Rao, S/o Veera Raju,
Sri Veera Venkata Stayanarayana

Swamy Vari Devasthanam, Annavaram,
East Godavari District.

**..... PETITIONERS**

AND

1 Commissioner of Endowments
Andhra Pradesh, Hyderabad.
2 Sri Veera Venkata Satyanarayana

Swam vari Devasthanam, Represent by its Executive Officer,
Annavaram, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioners herein as Drivers in the 2nd respondent Devasthanam, as arbitrary, illegal, discriminative and violative of Article 14 and 16 of the Constitution of India, and consequently direct the respondents to regularize the services of the petitioners on par with Sri K.Nageswara Sarma and Sri K.Rama Rao from the date of their initial appointment a NMR Drivers with all consequential benefits and pass such other or further order or orders as are deemed fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.NUTY RAM MOHAN RAO**

**Counsel for the Respondent No.1: GP FOR ENDOWMENTS**

**Counsel for the Respondent No.2: MRS INDRANI, SC FOR ENDOWMENTS**

**The Court made the following:**

-

-

-

-

-

-

**ORDER:**

-

This writ petition is filed, seeking a Mandamus declaring the action of the respondents in not regularizing the services of the petitioners herein as Drivers in the 2nd Respondent Devasthanam, as arbitrary and illegal, discriminative and violative of Article 14 and 16 of the Constitution of India, and consequently, direct the respondents to regularize the services of the petitioners on par with one K.Nageswara Sarma and K.Ramarao from the date of their initial appointment as Drivers, with all consequential benefits.

It is the case of the petitioners is that they have obtained Light Motor Vehicle driving license and enrolled in the Employment Exchange. While so, the 2nd respondent Devasthanam has notified four vacancies of drivers through the Employment Exchange. The Employment Exchange sponsored nearly 80 names including the petitioners herein. The petitioners were interviewed and subjected to driving test on 08.03.1990 and were selected and appointed as drivers in the respondent

Devasthanam on NMR basis. The 2nd respondent further obtained the necessary approval of the appointment of the petitioners from the Commissioner of Endowments. Along with the petitioners, two other persons were also appointed. In respect of the two other persons i.e. K.Nageswara Sarma and K.Ramarao, who were appointed as drivers along with the petitioners, the 2nd respondent sent proposals to the

1st respondent for regularizing their services since they have completed five years of service in Transport wing. Surprisingly the names of the petitioners were not recommended for regularization though there are regular vacancies available and they are working as drivers in the respondent Devasthanam continuously since their initial appointment. Hence this writ petition.

Heard the learned counsel on either side.

This writ petition is filed in the year 1999. Now the learned counsel for the petitioner placed another proceedings dated 31.03.2000, wherein another driver by name J.Kasiviswanadh, who was appointed on temporary basis, was put on time scale of Rs.2550-4550. The petitioners were neither put on time scale of Rs.2550-4550 nor their services were regularized on par with the said K.Nageswara Sarma and K.Ramarao. The petitioner has also placed another communication received by him dated 06.05.2005 in file No.D.Dis.No.A3/14459/05, issued by the Assistant Commissioner (H.O), from the office of the Commissioner of Endowments, Hyderabad, wherein it is stated that the Executive Officer was requested to accommodate four driver posts with the Drivers viz., (1) J.Kasiviswanatham, (2) M.Prasad, (3) G.Venkanna (1st petitioner) and (4) P.Narayanarao (2nd petitioner) who were working in L.G.S.Scale of pay of Rs.2550-4550 subject to withdrawal of W.Ps filed by them.

In view of the above, without expressing any opinion on merits, the respondents are directed to consider the case of the petitioners for regularization of their services in the cadre of Drivers and fix their pay scale on par with the persons, with whom they were appointed on 10.02.1991, within a period of three months from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

_____

**C.V.RAMULU,J**

Dated: 12.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner of Endowments,

Andhra Pradesh, Hyderabad

2. The Executive Officer,

Sri Veera Venkata Satyanarayana Swamy vari

Devasthanam, Annavaram,

East Godavari District

3. Two CCs to the Government Pleader

for Endowments, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies

*Form-NIC-OGS/WP{**GSNM**}*